

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO: 3:05CV261**

**SUSAN M. BAUCOM,)
Plaintiff,)
v.)
WESTMINSTER COMPANY, et al.,)
Defendants.)**

ORDER

THIS MATTER IS BEFORE THE COURT *sua sponte*. On January 22, 2007, Defendants filed a “Suggestion of Death Upon The Record Under Rule 25(a)(1)” (Document No. 31). By “Order” on June 19, 2007 (Document No. 32), the undersigned required the parties to file a status report. On July 20, 2007, Defendants filed a “Status Report” (Document No. 34) confirming that Plaintiff Susan M. Baucom died on December 26, 2006 and indicating the her daughter, Kristina Thomas, had expressed interest in continuing this action. Although Ms. Thomas was copied on the Court’s previous Order, and has been served with a “Suggestion of Death Upon the Record Under Rule 25(a)(1)” neither she nor any other party has to date moved to be substituted for the Plaintiff Susan M. Baucom in this action.

According to Fed.R.Civ.P. 25(a)(1), if a party dies, a substitution of the proper parties may be ordered by the Court if a motion for substitution is

made by any party or by the successors or representatives of the deceased party.... Unless the motion for substitution is made not later than 90 days after the death is suggested upon the record by service of a statement of the fact of the death as provided herein for the service of the motion, the action shall be dismissed as to the deceased party.

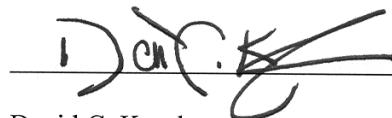
Fed.R.Civ.P. 25(a)(1).

IT IS, THEREFORE, ORDERED that the successors or representatives of Susan M. Baucom have until **August 15, 2007** to file a motion for substitution or this action will be dismissed and the case closed.

IT IS FURTHER ORDERED that the Clerk of Court shall send a copy of this Order to Kristina Thomas at 11501 Forestwind Lane, Charlotte, North Carolina, 28216.

SO ORDERED.

Signed: August 1, 2007



David C. Keesler
United States Magistrate Judge 